

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional):

**4015-808/P12520-US1**

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Date: **August 10, 2006**

Signature:


Typed or printed name: **Kathleen Koppen**

Application Number:

**09/747,052**

Filed:

**December 22, 2000**

First Named Inventor:

**Ham**

Art Unit:

**2611**

Examiner:

**TED M. WANG**

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the



applicant/inventor



assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

(Form PTO/SB/96)



attorney or agent of record

Registration Number: 53,639

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Registration Number if acting under 37 CFR 1.34 \_\_\_\_\_



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August 7, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.



\*Total of \_\_\_\_\_ form(s) is/are submitted.

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
**Ham**

Serial No.: **09/747,052**  
Filed: **December 22, 2000**

For: **Clock Synchronization in a  
Communications Environment**

Docket No: **4015-808**

PATENT PENDING

Examiner: Ted M. Wang

Group Art Unit: 2611

Confirmation No.: 1573

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**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

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10 August 2006

Date

Kathleen Koppen

This correspondence is being:

☒ electronically submitted via EFS-Web

**ARGUMENTS PRESENTED FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW**

The applicant presents the following arguments in support of the Pre-Appeal Brief Request for Review attached herewith. Payment of the \$500 fee is being submitted concurrently with this submission. If this is insufficient in any way, please charge the required fee to Deposit Account No. 18-1167.

In the Final Office Action (FOA) mailed 10 May 2006, the examiner generated several drawings to support his position that Tanaka (U.S. 5,909,148) anticipates independent claims 1, 10, and 24. However, these drawings and the corresponding conclusions presented by the examiner directly contradict the plain teachings of Tanaka, as discussed in detail in the applicant's after final response mailed 10 July 2006. The following briefly addresses this point, with heavy reference to the applicant's after final response.

The examiner argues that element 9 (NCO) in Figure 1 of Tanaka outputs a PLL clock signal within the meaning of the applicant's claims. In an attempt to prove this point, the examiner includes Figure C in the FOA. As stated on p. 5, ll. 7 – 8 of the FOA, the examiner redraws Tanaka's Figure 1 to generate Figure C. The examiner then uses Figure C to support his position that NCO 9 outputs the applicant's claimed output clock signal. However, Figure C differs from Tanaka's Figure 1 in some critical ways. In particular, Tanaka's Figure 1 labels the input to NCO 9 as g(nT). Contrastingly, Figure C generated by the examiner labels the output of NCO 9 as g(nT). The examiner then asserts that this alleged output of NCO 9 corresponds to the claimed output clock signal. For additional details, the applicant directs the Review Panel to p. 2 – 4 of the after final response.

The applicant further notes that Figure C, as presented by the examiner in the FOA, shows that the output of NCO 9 is provided to the PLL complex multiplying device 8 and is output from a digital PLL circuit. However, Tanaka does not disclose this signal arrangement. Figure 1 of Tanaka clearly shows that NCO 9 only provides the output signal to the PLL complex multiplying device 8. In other words, Tanaka shows that the output of NCO 9 serves as an internal feedback control signal that goes only to the PLL Complex Multiplying Device 8. See Figure 1, col. 4, line 66 – col. 5, line 26, and col. 5, lines 43 – 50 of Tanaka.

Because the anticipation rejection is based on the NCO 9 as shown in the examiner's Figure C (see p. 5 – 7 of the FOA and particularly the bold text at the top of p. 7), and because the NCO 9 operates differently in the examiner's Figure C than in Tanaka's Figure 1, the examiner's anticipation rejection cannot be maintained. For at least this reason, the applicant requests that the panel reverse the anticipation rejection cited against independent claims 1, 10, and 24.

Further, Tanaka does not teach filter adaptation within the meaning of claims 1, 10, and 24, as discussed in detail on p. 4 – 5 of the after final response. For this reason as well, Tanaka does not anticipate independent claims 1, 10, and 24.

In light of the above remarks and the remarks presented in the after final response dated 10 July 2006, the applicant respectfully requests that the Review Panel reverse the anticipation rejections cited by the examiner.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



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Dated: 10 August 2006

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